

2004-35-35

A RESOLUTION

CALLING FOR THE REMOVAL OF DAVID SOTO FROM THE MUNICIPAL CIVIL SERVICE COMMISSION, NOTIFYING HIM OF THE REASONS OR CAUSE FOR REMOVAL AND THE RIGHT TO A PUBLIC HEARING; AND AUTHORIZING A DATE FOR SUCH HEARING.

* * * * *

WHEREAS, the City Council appointed David Soto to serve on the Municipal Civil Service Commission; and

WHEREAS, the Municipal Civil Service Commission is a commission created in the City Charter by the voters and entrusted to perform, among other duties, due process hearings to classified civil service employees and then make recommendations to the City Manager; and

WHEREAS, the City Charter provides that a member of the Commission may be removed by Council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he requests;

WHEREAS, the City Council finds from the information it has received that it is in the best interest of the City to remove David Soto from that position;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Council charges that David Soto's conduct as a Commissioner on the Municipal Civil Service Commission constitutes cause for removal , as follows :

1. Failure to discharge his official duties as a Commissioner by:
 - a. Failure to report findings and recommendations in writing to the City Manager , as occurred at the hearings held on January 15, 2004 (Juan Mann) and January 20, 2004 (Mariana Angulo)
 - b. Dismissing cases without hearing evidence, as occurred at the hearings held on September 30, 2003 (Zaragoza Delgado) and March 4, 2004 (Robert A. Flores).
 - c. Repeatedly failing to provide neutral, orderly, settings for employees to present their appeal, as occurred in the hearings held on January 15, 2004 (Juan Mann) and January 20, 2004 (Mariana Angulo)

- d. Failing to provide an impartial and unbiased forum by showing disregard of undisputed or overwhelming evidence, as occurred at the hearings held on February 10, 2004 (Patricia Cranford), May 18, 2004 (Luis Vera) and July 22, 2004 (John Nieto)
- e. Interfering and directing testimony of witnesses, as occurred at the hearings held on May 18, 2004 (Luis Vera) and July 22, 2004 (John Nieto)
- f. Disregarding staff recommendations and City policy such as refusing to return Municipal Civil Service case files on various occasions, interfering with the City's ability to comply with state laws for safeguarding government records

Section 2. The City Council has lost confidence in David Soto's ability to perform his duties as a Commissioner on the Municipal Civil Service Commission and intends to remove David Soto from the Municipal Civil Service Commission.

Section 3. The City Clerk is instructed to provide David Soto a copy of this resolution which serves as notice of the charges or reasons for removal. David Soto may request a public hearing by delivering a request in writing to the City Clerk by 4:30 p.m. October 8, 2004.


Section 4. The City Clerk is directed to post a public hearing on the agenda of the next regularly scheduled meeting of the City Council, after her receipt of a timely request for a public hearing from David Soto.

Section 5. The final resolution removing David Soto will not be adopted until after the public hearing, if it is requested.

PASSED AND APPROVED this 30th day of September, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 29A. 2004-35-35

Date: 09/30/04

Time: 04:56:52 PM

Vote Type: Multiple selection

Description: A Resolution calling for the removal of David Soto, from the Municipal Civil Service, notifying him of the reasons or cause for removal and the right to a public hearing; and authorizing a date for such hearing.

Notes: Motioned: RICHARD PEREZ Seconded: RON H. SEGOVIA Notes:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			x
JOEL WILLIAMS	DISTRICT 2				
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		